



ED
DAC
\$

PATENT
Attorney Docket No. 08806.0192.00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International)	
Application No. PCT/SE04/01447 of:)	
Anders SWEDIN)	Group Art Unit: 2629
U.S. Application No. 10/575,622)	Examiner: Not Yet Assigned
Int'l Filing Date: October 12, 2004)	Confirmation No.: 8912
Nat'l Stage Entry Date: April 13, 2006)	
For: TOUCH SENSITIVE DISPLAY)	
DEVICE)	

Attn: Office of PCT Legal Administration
Mail Stop PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF DECISION AND
NOTIFICATION OF ABANDONMENT OF JULY 23, 2007
AND PETITION FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 CFR 1.137(B)**

The above-identified application became abandoned in the United States because the fees required by 35 U.S.C. § 371(c) were not filed prior to the expiration of the time set in 37 C.F.R. 1.495(b). The date of abandonment is the day after the date on which the 35 U.S.C. § 371(c) requirements were due. See 37 C.F.R. § 1.495(h).

09/24/2007 MBELETE1 00000025 10575622

01 FC:2453

750.00 OP

Applicant hereby petitions for revival of this application, and requests reconsideration of the July 23, 2007, Decision and Notification of Abandonment.

1. PETITION FEE

- ☒ Small entity - fee \$750.00 (37 C.F.R. § 1.17(m))
☐ Other than small entity - fee \$1,500 (37 C.F.R. § 1.17(m))

2. PROPER REPLY

The proper reply, in the form of the required Basic National Fee,

- ☒ has been filed previously on November 6, 2006.
☐ is enclosed herewith.

3. TERMINAL DISCLAIMER WITH DISCLAIMER FEE

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer (and disclaimer fee (37 C.F.R. § 1.20(d)) of \$ ____ for a small entity of \$ ____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT

The entire delay in filing the Basic National Fee from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

This application was filed on April 13, 2007 under 35 U.S.C. § 371 as a U.S. national phase application of PCT/SE2004/001447, which was filed on October 12,

2004, and claimed priority from U.S. Provisional Application No. 60/516,314, which was filed on October 13, 2003. Without the intention of abandoning this application, the undersigned firm did not include the Basic National Fee required by 35 U.S.C. § 371(c) within thirty (30) months of the priority date. It was unintentional to omit a required element necessary to satisfy the thirty month deadline for entry into the U.S. national stage. Upon receiving a Notice of Insufficient Basic National Fee from the Office, Applicant promptly paid the required Basic National Fee on November 6, 2006; however, this was after the thirty month date. The abandonment and, as will be explained further, the entire delay in filing this petition was unintentional.

After paying the Basic National Fee on November 6, 2006, Applicant received a Notice of Acceptance of Application Under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 ("Notice") and an official Filing Receipt mailed November 24, 2006. The Notice mistakenly indicated that a Declaration under 37 C.F.R. § 1.63 had been filed on November 6, 2006; however, the only Declaration filed on that date was a Declaration of Small Entity Status.

After carefully reviewing the file, the undersigned firm noticed the mistake of the Office with respect to the Declaration, and prepared a Declaration as required under 37 C.F.R. § 1.63. Applicant then filed a Petition Under 37 C.F.R. § 1.181 ("first Petition") on July 10, 2007, to correct the mistake with regard to the Declaration of Small Entity Status, and to have a correct Declaration as required under 37 C.F.R. § 1.63 associated with this application.

In response to the first Petition, the PTO, on July 23, 2007, sent a Decision and Notification of Abandonment, which dismissed the first Petition, indicated that the Notice of Acceptance of Application was vacated, and stated that this application was now deemed abandoned for failure to timely file the Basic National Fee within the thirty month period. In response to this Notice, the undersigned firm took prompt steps to investigate the relevant facts and prepare this petition.

As is evidenced by the facts presented above, any delay in filing a grantable petition under 37 C.F.R. § 1.137(b) arose from errors in the processing of this application by the Office, and thus was unintentional. After attempting to pay the required Basic National Fee, Applicant was not made aware that this application had become abandoned in the United States until the Office's communication of July 23, 2007, which was in response to the first Petition to correct the Office's error with regard to the Declaration 37 C.F.R. § 1.63. Therefore, Applicant submits that the entire delay in filing the Basic National Fee from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant thus requests that this application be revived.

Should the Office later determine that the unavoidable standard should be applied instead of the unintentional standard, Applicant further reserves the right to assert that the entire delay in filing the Basic National Fee was unavoidable.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an

PATENT
Attorney Docket No. 08806.0192

extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 21, 2007

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796